UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1049
11 August 1994

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1049th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 August 1994, at 10 a.m.

Chairman: Mr. GARVALOV

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GE.94-18293 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Eleventh and twelfth periodic reports of Egypt (CERD/C/226/Add.13 and HRI/CORE/1/Add.19) (continued)

1. At the invitation of the Chairman, Mr. Khalil and Mr. Bebars (Egypt) took places at the Committee table.

2. The CHAIRMAN, speaking in a personal capacity, said that he had some personal experience of the situation in Egypt, having held a diplomatic post there in the mid-1960s. He fully shared Mr. Wolfrum's view that, for all practical purposes, there seemed to be a homogeneous society in Egypt, covering all ethnic and religious groups. Although Egypt had had some difficulties, it had not experienced problems of dealing with manifestations of discrimination to the same extent as other countries. He observed, for instance, that at the time there had been two Greek daily newspapers in Cairo. Questions had been raised by some international governmental and non-governmental organizations and States about the equal treatment of Coptic Christians in Egypt. Since, as far as he was aware, the Egyptian Copts and Muslims were of the same ethnic stock, he thought that the Committee would be transgressing the Convention if that issue was discussed on purely religious grounds. The Nubians, on the other hand, were chiefly Muslim; his personal observation was that they were fully integrated into Egyptian society. That being said, as the Committee had repeatedly pointed out, no country was exempt from racial discrimination.

3. He thanked the Egyptian Government for its appreciation of the Committee's work in paragraph 57 of the report (CERD/C/226/Add.13). The Committee was itself grateful for Egypt's cooperation and had benefited from Egyptian expertise over the years in the person of Mr. Aboul-Nasr. Inviting the representative of Egypt to reply to the Committee's questions, he requested that replies to any unanswered questions should be included in the next periodic report.

4. Mr. KHALIL (Egypt), thanking the members of the Committee for their questions and comments and for their continued constructive dialogue with his country, said that he would group his replies by categories of questions and that any omissions would be made good in the next report. Regarding the status of the Convention in regard to the Constitution and the role of the Supreme Constitutional Court, the Egyptian Constitution had been drafted after Egypt's accession to the Convention and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. For that reason, the drafters of the Constitution had incorporated all the principles, provisions and commitments of those instruments into the Constitution, thus providing the necessary constitutional guarantees, for instance regarding the conformity of domestic legislation with those principles. Any conflicting legislation would be unconstitutional and therefore revoked by decision of the Supreme Constitutional Court. Those principles and provisions were binding on all State institutions. Reference had been made in the report, and in the annex, to various decisions and rulings by the Supreme Constitutional Court

in that regard. A number of decisions had been handed down, for instance, on the principle of equality under article 40 of the Constitution and the unconstitutional nature of legislative texts contravening that principle.

5. The Supreme Constitutional Court had also handed down judgments concerning electoral law, declaring unconstitutional certain provisions of the Electoral Act prohibiting persons who were not members of political parties and therefore not on the electoral lists from standing for election. The Court had required an amendment to the Electoral Act providing for a single seat for each constituency, thus ensuring equality for members and non-members of political parties. In cases where a law or legal provision had been declared unconstitutional, it could not be applied; as a general rule, more recent or amending legislation superseded and took precedence over previous legislation.

6. Article 40 of the Constitution provided for equality of all citizens before the law in regard to their public rights and obligations and for the prohibition of discrimination on grounds of sex, origin, language, religion or belief. Although race or colour were not specified, the term "origin" had a very broad meaning in Arabic and covered those aspects.

7. Regarding Egypt's demographic composition, it should be noted that, after the end of the Ottoman Empire, all citizens were unconditionally entitled to Egyptian nationality. Although some had preferred to keep their original nationality in order to take advantage of a dual legal system in force at the time, they had continued to enjoy all rights pertaining to their own cultural identity. All ethnic communities enjoyed equal rights and full freedom. That included their own schools, mother tongue instruction and, as the Chairman had said, publications in their own languages.

8. On the subject of the Nubians, they constituted a homogeneous group within Egyptian society, speaking Arabic but also their own dialect. After their resettlement following the construction of the Aswan Dam, the Egyptian Government had taken account of some objections to the type of housing provided and had drawn up plans incorporating the architectural style preferred by the Nubians. There was no discrimination against them; they could practise their own occupations and accede to very high positions in all walks of life. For instance, there were Nubian ministers, senior members of the judiciary and teachers at all levels.

9. Some concern had been voiced about possible threats to certain groups, such as the Coptic communities. It must be stressed that the threats and the crimes committed were the work of terrorist and not Islamic groups. Their crimes were directed against all sectors of society, regardless of origin or belief, and were being treated with the extreme severity warranted by such acts of terrorism. The text of decisions handed down in such cases could be provided to the Committee.

10. In reply to questions about the status of the Islamic Shari'a within the Constitution, he pointed out that the Shari'a was one of the basic sources of legislation and a model for it, but coexisted with other sources, such as the Napoleonic Code. The courts applied the laws promulgated by the legislature. The Islamic Shari'a was notably a source for the rules of implementation of

laws concerning the human person, such as family law, the laws on inheritance and those regarding personal status. It was a peculiarity of the Egyptian system that such laws based on the Shari'a applied to Muslims only.

11. On the subject of the penalties provided for under article 4 of the Convention, the relevant legislation was based on article 57 of the Constitution, which provided that criminal or civil proceedings in respect of violations of rights and freedoms guaranteed by the Constitution and the law were subject to no statutes of limitation, that such violations constituted an offence, and that the State was required to guarantee compensation to victims. In order to cover all aspects of article 4 of the Convention, the Penal Code had been amended by Amending Act No. 97 of 18 July 1992, article 86 bis of which prohibited the establishment of organizations advocating the violation of citizens' constitutional rights and freedoms; membership or promotion of such organizations, and the acquisition or possession of propaganda material were offences punishable by law. Further information on that quite recent amendment would be provided in Egypt's next report. Experts in his country would analyse Committee members' comments on other aspects of Egyptian legislation that might need amending to bring them into line with the Convention.

12. Members had asked how the concept of public order (ordre publique) was understood in Egypt. Basic human rights and fundamental freedoms came within the realm of public order and must, accordingly, be scrupulously respected by everyone, including public bodies. If a public body committed an act which constituted an infringement of those rights and freedoms, the victim was entitled to seek redress through the courts, which might, for instance, order the reversal of an administrative decision and/or the payment of compensation by the State. All citizens were free to seek that redress.

13. In some cases, infringements of human rights and fundamental freedoms constituted a criminal offence, which was then subject to criminal penalties. Certain offences, including war crimes and crimes against humanity, were deemed to be imprescriptible (and there was no limit to the period within which an alleged offender could be brought to justice). That principle was in line with international practice.

14. The concept of public order was a framework within which individuals and State bodies acted and exercised their legal rights. Besides the area he had described, it also covered the ancient customs and traditions from which some laws had been derived. It in no way restricted the imposition of civil or criminal penalties for offences against human rights or fundamental freedoms.

15. With regard to questions about states of emergency in Egypt, a state of emergency could be declared in strictly defined circumstances and within certain limits, which could not be exceeded except by express permission of the legislative authority. A state of emergency could not be invoked as a pretext for suspending the powers of the constitutional or legal authorities or the application of certain basic laws. A state of emergency had been declared a number of times, but only as a result of terrorist acts, such as the assassination of President Sadat in 1981.

16. Members had asked for a further explanation of the concepts of "national unity" and "social harmony" in Egyptian law. Egypt considered that any act designed to destroy the peaceful relations between various groups of the population was detrimental to national unity, and such acts were accordingly forbidden. Any of the acts prohibited under the Convention would be considered as an act infringing national unity and social harmony under Egyptian law.

17. Questions had been put about the State's guarantee of protection for persons threatened by terrorism. The State did everything in its power to protect all its citizens, using all the means available. The measures it had taken to reduce terrorism were designed to ensure better security for both the Egyptian population and visitors to the country.

18. More information had been requested about the laws on nationality, particularly the nationality of children. The authorities were seeking to draw up a set of rules which would maintain the rights of individuals as far as possible. For example, they were currently considering proposals by a national women's organization which would regularize the position of children born to an Egyptian mother and a non-Egyptian father.

19. Replying to a question about Egypt's response to the Committee's general recommendation XIII (42) on the training of law enforcement officials in the protection of human rights, he said that information about the international human rights instruments was included in the curricula of police training schools and training colleges for the judiciary. They were also included in continuing education programmes for public officials and police officers. The Centre for Human Rights at Geneva had provided valuable assistance in that respect, including the organization of a training course for police officers. The subject was also covered in both school and university curricula. The authorities sought to increase public awareness of human rights issues, especially among children and young people.

20. Members had asked about human rights organizations active in Egypt. One of the main organizations, the Egyptian Organization of Human Rights, had not yet been officially recognized by the authorities. Nevertheless, the organization was completely free to publish human rights material, talk to the press and criticize the Government if it wished. It was preparing to bring a case before the courts, although the proceedings had not yet started.

21. Mrs. Sadiq Ali had referred to claims that Christians had been denied appointments as teachers. He had been most surprised to hear that allegation: there were Christians in the most senior positions in Egyptian society; there were Christian judges, ambassadors, ministers and senior education officials. He would be glad to know the source of Mrs. Sadiq Ali's information so that he could investigate the matter further.

22. In connection with paragraph 35 of the report, members had asked for information on the prohibition of political parties based on religious or ethnic criteria. The Egyptian authorities considered that political parties should adopt a programme which was valid for the whole country. That was why it was illegal to found a party which exclusively represented the interests of a particular religion, class or community.

23. Mrs. Sadiq Ali had asked about the detention of Palestinians in Egyptian prisons. There were some Palestinians in Egyptian prisons, but they had been arrested and convicted of offences in accordance with the law. Palestinians were detained and repatriated to Palestine if their cases warranted it.

24. There had been a question about the dissemination of anti-Semitic publications. Under the Egyptian Constitution, such activities would be considered as incitement of racial hatred against a certain group in society, which would be liable to impair national unity and social harmony. They would, accordingly, be prohibited.

25. Members had asked whether Egypt intended to make the declaration provided for in article 14 of the Convention, recognizing the competence of the Committee to consider allegations of racial discrimination by Egyptian citizens. He could confirm that Egypt was considering making that declaration, but no final decision had yet been reached.

26. He hoped that he had answered most of the questions put by members of the Committee, and he would endeavour to ensure that further information was included in the next periodic report.

27. Mrs. SADIQ ALI said that the Egyptian representative appeared to have misunderstood her question. In a case cited by the Egyptian Organization of Human Rights, it was alleged that a Christian community had been terrorized by an Islamic group. All commercial transactions by Christians had to be approved by the group, which levied a tax on every transaction. Christians were not allowed to celebrate religious rituals or social events, such as weddings, in public, or to keep their churches in good repair. The edicts of the Islamic group were backed up by force, and Christians who did not comply with them had both legs and their right arm broken. She had asked what measures the Egyptian authorities were taking to protect the Christian community in Egypt, numbering 6-8 million, who appeared to be extremely vulnerable.

28. Mr. WOLFRUM thanked the Egyptian representative for his answers to the Committee's questions. However, it would be even more useful if the answers could be included in written form in Egypt's next report, since it was easier to assimilate written information. Moreover - with all respect to the excellent interpreters - some nuances of the representatives' answers were bound to be lost in the interpretation, as the discussion about the scope of the word "origin" in Arabic had shown.

29. Mr. ABOUL-NASR said that he had not taken part in the discussion on Egypt's report, since he was himself an Egyptian citizen. He had to admit that he had had some reservations about the report, but he had been greatly cheered by the Egyptian representative's sincere efforts to answer the Committee's questions. He hoped that Egypt's next periodic report would cover the issues raised by members and that it would follow the Committee's reporting guidelines more closely than the present report.

30. He could not believe the allegations of violence against Christians described by Mrs. Sadiq Ali. He had followed Egyptian affairs closely for many years, both as an Egyptian citizen and as a lawyer, and he had never heard of the case in question. He was sure that a respectable organization like the Egyptian Organization for Human Rights could not have published such scurrilous allegations.

31. Mr. de GOUTTES said that, if he had understood correctly, the Egyptian representative had said that recent assassinations and other terrorist acts in Egypt had been committed by terrorist groups which had no links with Islamic extremists. However, many press reports he had read asserted that there were direct links between cases of assassination and Islamic extremist groups.

32. Mr. KHALIL (Egypt) said that those responsible for the terrorist acts were certainly extremists, but they were definitely not Islamic. Such acts were completely contrary to the principles of Islam.

33. Mr. ABOUL-NASR said that there was an increasing tendency in the world press to use the term "fundamentalist" in the sense of "terrorist". In fact, the fundamental teachings of Islam prohibited such acts of violence. The proper name for such people was "criminals".

34. The CHAIRMAN thanked the Egyptian representatives for their extensive answers to the Committee's questions. He hoped that Egypt's next periodic report would cover the issues raised by members in more detail and answer any questions which had not been discussed at the current session. He hoped that the next report would follow the Committee's reporting guidelines more closely. The Committee greatly appreciated the cooperation shown by Egypt over the years, and trusted that it would continue in the future.

35. Mr. Khalil and Mr. Bebars (Egypt) withdrew.

Tenth, eleventh, twelfth and thirteenth periodic reports of Iceland (CERD/C/226/Add.12, CERD/C/263/Add.2 and HRI/CORE/1/Add.26)

36. At the invitation of the Chairman, Ms. Ólafsdóttir, Mr. Claessen and Ms. Thorarensen (Iceland) took places at the Committee table.

37. Ms. ÓLAFSDÓTTIR (Iceland) said that by virtue of the democratic situation existing in Iceland, racial discrimination had not presented a problem. Until recently, therefore, Icelandic legislators had paid it little attention.

38. Mr. CLAESSEN (Iceland) said that Administrative Law No. 37/1993 had entered into force on 1 January 1994. Article 11 of the Law expressly stipulated the principle of equality. Accordingly, public authorities, when taking an administrative decision, were forbidden to discriminate between parties on the basis of views founded on their sex, race, colour, nationality, religion, political opinion, social position, birth or other comparable considerations. The Law on the Control of Aliens had been amended to involve the Immigration Office as well as the Minister of Justice in decisions on the expulsion of foreigners. It was obligatory for persons affected by such a decision to be informed of their right to appeal to the Minister of Justice.

The Government of Iceland had recently set up a committee to draw up a comprehensive policy concerning legislation on refugees and to suggest further amendments to the Law on the Control of Aliens.

39. Ms. THORARENSEN (Iceland) said that since Iceland's thirteenth periodic report (CERD/C/263/Add.2) had been submitted, changes had been made in Icelandic legislation. The European Convention for the Protection of Human Rights and Fundamental Freedoms had been incorporated in Icelandic domestic law, which meant that its provisions could be invoked directly in Icelandic courts. Iceland adhered to the legal doctrine that international treaties did not assume the force of domestic law even if they had been ratified, but were binding only according to international law. However, domestic law was interpreted in conformity with international law. Although the European Convention did not unfortunately contain any specific provision to combat racial discriminations its incorporation in Icelandic domestic law had paved the way for other international treaties and such action was under consideration for United Nations instruments on human rights.

40. A constitutional review was under way to rectify the fact that many of the fundamental rights guaranteed in international human rights conventions to which Iceland was a party were not expressly set forth in the Constitution but had been applied by the courts as unwritten principles underlying the Constitution. A Parliamentary resolution had recently been adopted in the Althing whereby a revision of the human rights chapter of the Constitution would be completed before the Parliamentary elections in the spring of 1995; the resolution stipulated that the provisions of the chapter should conform to the international human rights conventions to which Iceland was a party. A draft proposal had been prepared containing a specific provision on the principle of equality and prohibition of racial discrimination, which stated that everyone should enjoy human rights without any discrimination as to sex, religion, nationality, race, colour, economic status or other comparable considerations.

41. Other legislative measures taken to improve the status of human rights in Iceland included an amendment to wages legislation providing for equality or treatment for workers irrespective of race, sex or nationality. The Althing had enacted a new Law on the Children's Ombudsman which would enter into force on 1 January 1995. The Ombudsman who would be fully independent, had as his most important function the protection of children's rights and welfare in all areas of society; he would monitor whether public authorities were respecting the provisions of international treaties relating to children and whether any breaches were occurring of article 2 of the Convention on the Rights of the Child, which guaranteed to all children the rights set forth in the Convention without any discrimination based on race, colour, sex, language, religion, national or ethnic origin or other comparable considerations. He would be able to receive complaints and investigate alleged violations of the rights set forth in the Convention. Where he considered that action had been taken contrary to the rights and interests of children, he would submit a report setting out his recommendations to the party concerned. He would also propose changes in legislation concerning children when he found it necessary.

42. Where educational policy was concerned, the core curriculum established in 1989 stipulated that pupils should be given an understanding of other races and cultures and that every aspect of education should be characterized by the equality of all individuals. The Law on Primary Schools was being revised and careful consideration would be given to the problem of racial discrimination in view of the increasing number of foreign children in Icelandic primary schools.

43. There had hitherto been no comprehensive policy to eliminate racial discrimination, as, until recently, there had been few foreigners living in Iceland and the question of discrimination had not arisen. However, the number of foreign nationals moving to the country had risen considerably since the mid-1980s. There was growing concern that clear rules and measures should be adopted to prevent racial discrimination from becoming a feature of Icelandic society. Unwritten principles were no longer sufficient for that purpose and it was for that reason that the review of Icelandic legislation and its Constitution had been launched.

44. Another recent change in legislation had involved the repeal of the law concerning an economic boycott of South Africa.

45. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) congratulated Iceland on its regular submission of periodic reports, which for the most part complied with the general guidelines.

46. Iceland had a relatively small population, which had remained largely homogeneous until recently, when nationals of other countries such as Poland, Thailand, China and the Philippines had started to move there. Its figures for life expectancy, child mortality, fertility, education and unemployment were highly satisfactory. Its twelfth periodic report (CERD/C/226/Add.12) had stated that Iceland had had little cause to examine the question of foreigners or minorities, and legislation to eliminate racial discrimination did not exist. The absence of specific provisions did not, however, mean that the legislation in force permitted injustice or discriminatory acts as defined in the Convention, and such problems, should they arise, could be addressed and solved by means of existing instruments. However, in his opinion, a legal framework in which cases of racial discrimination could be dealt with was preferable and, for that reason, the Government of Iceland was to be commended on its decision to review its obligations under the Convention with a view to introducing relevant provisions into domestic legislation. It was also gratifying that, according to paragraph 42 of the twelfth periodic report, the Icelandic authorities had taken special measures to facilitate the adaptation of immigrants to Icelandic society. It would be useful if the delegation of Iceland could provide fuller information on the subject.

47. In regard to article 4 of the Convention, it had been stated that no racist organizations had been set up in Iceland. The Government should, however, bear in mind that the provisions of article 4 were binding and that States parties were not exempt from its provisions even if cases of incitement to racial discrimination had not arisen.

48. Iceland's domestic law took precedence over international treaties wherever there was a conflict between their respective provisions. The Committee had requested Iceland to make a comparative study of the relationship between its obligations under the Convention and its domestic law and would be interested to hear the outcome.

49. With regard to the implementation of article 5 of the Convention, paragrap 53 of the report stated that economic, social and cultural rights were afforded to all inhabitants of Iceland without limitations or privileges on the basis of race, colour or nationality. In that connection, paragraphs 4 and 5 of the thirteenth period report (CERD/C/263/Add.2) referred to Administrative Law No. 37/1993, under which equal treatment was guaranteed to all citizens in decisions taken by the administrative authorities. Particular importance attached to article 11 of that Law.

50. Iceland's efforts to protect natural resources had meant the introduction of certain limitations, which should be clarified. For example, paragraph 70 of the initial report of Iceland to the Committee on Economic, Social and Cultural Rights (E/1990/5/Add.14) had mentioned that foreign Parties were not allowed to fish within the exclusive economic zone of Iceland except by special permission granted by the State.

51. Although it was prohibited to employ foreigners in conditions which did not meet the standards laid down in national labour agreements, which amounted to a guarantee of equality of treatment, it should be recalled that under the Agreement between Denmark, Finland, Iceland, Norway and Sweden Concerning a Common Labour Market, the nationals of Nordic countries did not need a permit to work in Iceland, unlike workers of other nationalities. He requested further information on that situation.

52. With respect to article 6, the twelfth report indicated that three sources of protection and remedies existed: the courts, the administrative authorities and the Ombudsman. Although no cases of racial discrimination had ever come before the courts, paragraphs 22 and 23 made it clear that any individual could institute legal proceedings to seek compensation for damages or injury. Various questions relating to the rights and obligations of individuals were also dealt with at administrative level under the provisions inter alia of Administrative Law No. 37/1993. The Ombudsman was the subject of paragraphs 29 and 32, from which it was clear that his role was to monitor the administrative functions of the State and the municipalities, as well as to investigate whether laws were incompatible with international agreements, in particular, those relating to human rights, being empowered to take such action on the basis of complaints lodged with him in writing by individuals - a very important safeguard. Although his reports were not binding, they carried great weight. Individuals in Iceland also had the option of recourse to the European Court of Human Rights, although it did not appear that any case of racial discrimination in Iceland had yet been brought before it.

53. With respect to article 7 of the Convention, paragraph 62 of document E/1990/45/Add.14 stated that the government authorities had instituted special programmes for the dissemination of information on human rights. In addition, the general public had been made aware of the subject and interest in the implementation of human rights had increased in the wake

of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Compulsory education in Iceland covered a period of 10 years. Paragraph 43 of the twelfth report indicated that tuition in elementary schools was expected to include prevention of discrimination. The information provided in the reports and in the introductory statement by the delegation of Iceland was reinforced by the respect Iceland had always shown for democracy, which indicated a strong interest in promoting understanding between different human groups. Further information on those points would be appreciated in view of the importance the Committee had always attached to article 7 of the Convention.

54. Mr. DIACONU said that Iceland was a small but rich country with a high standard of living. It had, however, established a very generous social security and health care system. The size and representative nature of its delegation reflected its interest in the Convention and its desire for dialogue with the Committee, and set a standard for other States parties to follow. He noted with satisfaction the sincerity and frankness with which both the reports and the introductory statement had reviewed national legislation in the light of the Convention. The Committee should give every encouragement to the Icelandic Government to continue its work in promoting human rights.

55. Although articles 233 and 125 of the Icelandic Penal Code (paras. 14 and 15 of the twelfth report) made certain acts of discrimination punishable by law, and Law No. 37/1993 (para. 5 of the thirteenth report) prohibited discrimination in administrative decisions, the provisions of article 4 were not fully covered in Icelandic legislation.

56. He welcomed the fact that the European Convention for the Protection of Human Rights and Fundamental Freedoms, which should shortly include provisions relating to minorities, formed part of Icelandic law, but did not understand why the Convention could not be given the same status. It was notable that the Human Rights Committee had earlier drawn the Icelandic Government's attention to the fact that the International Covenant on Civil and Political Rights was more complete than the European Convention on some points.

57. Iceland was a very hospitable country and would thus increasingly have to deal with a growing population of foreign origin. Steps were already being taken with regard to the educational aspect of the problem, as the twelfth report had indicated. Another point, raised with the Icelandic Government by the Human Rights Committee, was the question of the restrictions placed on retention of their original names by naturalized citizens. He would welcome more information on that point, since the name of a person was an important element of his or her identity and should be respected in all circumstances.

58. Provisions relating to human rights and elimination of racial discrimination ought to have a place in the Icelandic Constitution and would remove most of the present concerns of the Committee. Since Iceland was a party to the European Convention, perhaps some indication could be given of whether any human rights cases had been brought before the European Commission on Human Rights or the European Court of Human Rights.

59. Mr. BANTON said that, on 6 September 1991, the British newspaper The Guardian had carried an article on Iceland which had implied that there might have been a request from Iceland to the United States military forces not to station Black service personnel at the United States air force base in the country. He had seen nothing subsequently to confirm or deny that report, which might no longer be valid. His concern, which was the greater because of his high regard for the people of Iceland, was that if there were any grounds for the statement, it was evidence of a rather disturbing feature of Icelandic society; had there been such a request, he wondered what had been the reason for it.

60. He welcomed the information provided by the Icelandic delegation on the new measures planned, as they would go some way to meeting the concerns expressed by Mr. Valencia Rodriguez and Mr. Diaconu, which he shared. With regard to the latter's reference to personal names, however, he pointed out that Iceland had a very distinctive system of personal nomenclature, one that had a great deal to recommend it. He had noticed trends in at least three other countries in North America and northern Europe to change naming practices in the Icelandic direction. Although a person's need to retain a sense of personal dignity must be respected, he could accept that it was reasonable to expect that people coming to settle in a new country should take what steps they could to adopt the practices of that country unless they touched upon very fundamental issues.

61. Mr. SONG Shuhua commended the reports for their high quality and praised the fact that they had followed the general guidelines on reporting. Noting that Iceland was host to over 5,000 foreign nationals from 60 countries, he asked what had led such persons to come to the country. Paragraph 42 of the twelfth report referred to marriages between Icelandic nationals and women from Thailand and the Philippines; it would be interesting to know what had led to such marriages. In addition, he would like further information with respect to the last sentence of paragraph 42, which referred to the difficulties such women experienced. Referring to paragraph 24 of the twelfth report, he noted with satisfaction that no criminal case relating to the acts of discrimination specified in articles 233 or 125 of the Icelandic Penal Code had come before the courts. However, since the Convention was primarily preventive in intention, he asked whether there were any moves to incorporate it in domestic law. Movement of people across boundaries was increasing in Europe and discrimination was already a problem in some European countries. It would therefore be useful to know the Icelandic Government's views on the likelihood of future legislation in the field.

62. Mr. de GOUTTES, welcoming the reports and the introductory statements by the representatives of Iceland, said that they displayed many very positive aspects. The first part of the twelfth report gave detailed and useful information and statistics on the people and life of Iceland, which it was not always usual to find in such reports. Another welcome step had been the declaration made by Iceland under article 14, paragraph 1 of the Convention. Law No. 37/1993, mentioned in the thirteenth report, was also an important development, in particular its article 11, which made explicit reference to discrimination on the basis of race. The announcement in the introductory

statements by the representatives of Iceland that the European Convention on Human Rights and Fundamental Freedoms had been incorporated in Icelandic domestic law was also to be welcomed, in view of the dualist legal system in force in Iceland. That was particularly important in that the European Convention included a provision establishing equality, in other words non-discrimination, as a general principle with respect to all the rights recognized by that Convention, a principle that would thus be directly applicable in Icelandic courts and might also serve as the basis for acceptance of complaints by individuals against Iceland before the European Court of Human Rights. In those circumstances, the Icelandic Government should have every incentive to take similar steps to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into domestic law; he would welcome the views of the Icelandic Government on the subject.

63. There were two weaknesses in the reports. Despite the provisions of article 233 of the Penal Code (para. 14 of the twelfth report) and Law No. 37/1993 (section IIA of the thirteenth report), Icelandic law could not be said fully to meet the provisions of article 4 of the Convention. There were as yet no comprehensive provisions recognizing all acts of racial discrimination as offences punishable by law. Even though no actual cases of racial discrimination were yet recognized to have occurred in Iceland, such legislation was necessary for purposes of prevention and of education of the public in the civic virtues. Further, with the increased number of foreign nationals in the country, it was surprising that no complaints of discrimination had been heard. The report mentioned by Mr. Banton raised some concern in that respect. In view of the population trend, there was a need to be certain that all citizens were aware of their rights and had full confidence in the administrative and judicial machinery for ensuring respect for them. Such points might well be covered in a future report from the Government of Iceland.

64. Mr. van BOVEN said that the level and size of the delegation was proof of Iceland's keen interest in constructive dialogue with the Committee. The main message conveyed by the reports was that problems of racial discrimination were virtually absent from Iceland for the reasons given in paragraph 38 of the twelfth report. However, the greater movement of persons across boundaries that had developed in recent years was bound to affect Iceland to some degree in the future. Since the purpose of the Convention was not only to combat, but also to prevent racial discrimination, the Icelandic authorities might well consider that further special measures were needed to promote racial harmony, as the representatives of Iceland had seemed to imply in their introductory statements. Information on that point would be welcome.

65. He asked to what extent the training of law enforcement officials in Iceland included instruction in human rights and non-discrimination, and drew the delegation's attention to the Committee's General Recommendation XIII (42) on the subject. In the field of human rights the role of the Ombudsman in Iceland appeared to be to receive complaints. The promotion of human rights, however, implied a somewhat broader role, as defined in the Committee's General Recommendation XVII (42), and he asked what institutions existed in

the country specifically for such promotion. Lastly, a point perhaps not entirely within the supervisory role of the Committee though of interest to it, the States parties to the Convention had recently approved an amendment to article 8, paragraph 6, relating to the expenses of members of the Committee. The General Assembly, in operative paragraph 7, or its resolution 48/120, had urged States parties to notify the Secretary-General, as depository of the Convention, of their acceptance of the amendments approved concerning the funding of the Committee from the regular budget. He therefore asked what Iceland's position was with respect to those amendments.

The meeting rose at 1 p.m.